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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,108	03/12/2004	Albert A. Monette	MONE-P01	7671

49142 7590 09/19/2006

SCHOX PLC
209 N. MAIN STREET #200
ANN ARBOR, MI 48104

EXAMINER

MILLER, WILLIAM L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,108

Applicant(s)

MONETTE ET AL.

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claim 19 remains withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5-8, 12, 13, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Simmons (US#6629634).
4. Regarding claim 1, Simmons discloses a mailbox 10 comprising: a body 12 having a first opening at the front end thereof, defining an interior cavity, having an opaque primary section (such as a portion of the top of the mailbox) which prevents light from entering the cavity, and having a transparent secondary section 18 that allows light to enter the cavity; a first transparent door 14 allows viewing of the cavity when closed.
5. Regarding claim 2, the sections are “integrally connected” to define one unit, namely mailbox 10 of Fig. 1.
6. Regarding claims 5-7, the secondary section 18 is a transparent plastic material, Plexiglas, to allow viewing of the cavity (see claim 9). A transparent material by definition can be viewed as also translucent.

7. Regarding claim 8, the first door 14 is formed of a transparent plastic material, Plexiglas (see claim 9).

8. Regarding claims 12 and 13, the body defines a second opening at the rear end thereof and a cooperating second door 15.

9. Regarding claims 16-18, the second door is formed of a transparent plastic material, Plexiglas, to allow viewing of the cavity in the open position. A transparent material by definition can be viewed as also translucent.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons.

12. Regarding claim 3, Simmons fails to specifically disclose the opaque primary section being a plastic material. However, it would have been an obvious design consideration to modify Simmons by utilizing a plastic material for the opaque primary section as the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Plastic material is known to provide a weather resistant, lightweight construction.

13. Regarding claim 4, Simmons discloses the secondary section material as being Plexiglas, but fails to specifically disclose the material allowing light to enter the cavity, while substantially preventing viewing of the cavity. However, as indicated by the applicant on page 2 of the

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specification, lines 19-20, frosted, shaded, or pebbled glass (namely a material for allowing light to enter the cavity, while substantially preventing viewing of the cavity), and Plexiglas are material equivalents for the secondary section. It would have been obvious design consideration to modify Simmons by substituting frosted, shaded, or pebbled glass for the Plexiglas as the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

14. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Felice (US#2003/0136823).

15. Regarding claim 9, Simmons fails to disclose a privacy door as claimed by the applicant. However, this feature is known in the mailbox art as Felice discloses a mailbox including a transparent panel 90 which is covered via a privacy door 26 [0042] to prevent viewing of the mailbox cavity in the closed position. Therefore, as taught by Felice, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Simmons by including a privacy door adjacent the first door thereby preventing viewing of the cavity in the closed position thereby enhancing mailbox security.

16. Regarding claim 10, Simmons as modified above discloses the first door and privacy door allow access through the first opening when the first door and privacy door are open.

17. Regarding claim 11, Simmons as modified above discloses allowing viewing of the cavity and preventing access through the first opening when the first door is closed and the privacy door is open.

18. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Gelineau et al. (US#3707260).

19. Simmons discloses the second (rear) door 15 as including a transparent/translucent portion to enable viewing of the cavity when in the closed position as opposed to the second door being an opaque plastic material thus preventing viewing of the mailbox cavity when in the closed position. However, Gelineau discloses a mailbox having front and rear doors 16 and 18 wherein the rear door 18 is an opaque plastic material thus preventing viewing of the mailbox cavity when in the closed position (col. 2, lines 57-61). Therefore, as taught by Gelineau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Simmons such that the rear door was an opaque plastic material thereby preventing viewing of the mailbox cavity when in the closed position.

Response to Arguments

20. The affidavit filed on 06-30-2006 under 37 CFR 1.131 is sufficient to overcome the previously applied South reference. However, the applied Felice reference predates the applicant's invention via its related provisional applications filed on 12-04-2001 and 12-10-2001.

Conclusion

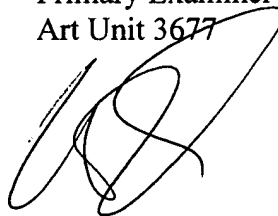
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Miller
Primary Examiner
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', written over the printed name and title of the examiner.

WLM